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Washington, DC 20004-1206

February 5, 2004

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Re: U.S. Patent Application No. 09/815,264
Filed: March 23, 2001
Title: ***Genomic Plant Sequences and Uses Thereof***
Applicants: Andrey A. BOUKHAROV *et al.*
Atty. Docket No.: 16517.006/38-21(51237)G
Confirm. No.: 8785

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office (USPTO):

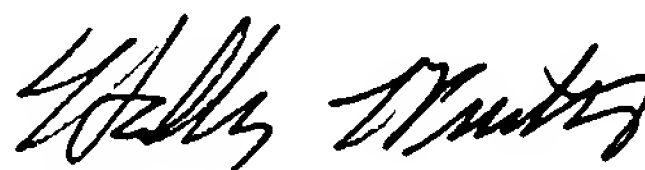
1. Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences (in duplicate); and
2. Return postcard.

Please stamp the attached postcard with the filing date of these documents and return it to our courier.

Applicants request that the \$330.00 fee for filing a Notice of Appeal be charged to Deposit Account No. 50-2387, referencing matter number 16517.006/38-21(51237)G.

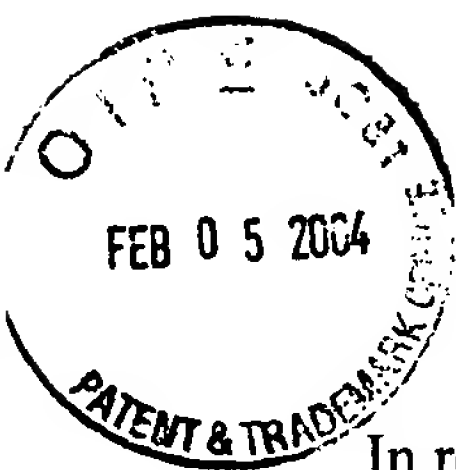
In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any additional fees other than the fee for filing a Notice of Appeal are due in conjunction with this filing. However, if any additional fees are required in the present application, including any fees for extensions of time, then the Commissioner is hereby authorized to charge any such fees to Arnold & Porter Deposit Account No. 50-2387, referencing matter number 16517.006/38-21(51237)G. A duplicate copy of this letter is enclosed.

Respectfully submitted,



David R. Marsh (Reg. Attorney No. 41,408)
Holly Logue Prutz (Reg. Attorney No. 47,755)

Attachments



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Andrey A. BOUKHAROV *et al.*

Appln. No.: 09/815,264

Filed: March 23, 2001

For: ***Genomic Plant Sequences and Uses
Thereof***

Confirm. No.: 8785

Art Unit: 1631

Examiner: Marjorie A. MORAN

Atty. Docket: 16517.006/38-21(51237)G

**Notice of Appeal from the Examiner to the
Board of Patent Appeals and Interferences**

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed November 5, 2003, which resulted in Applicants having claims that have been twice or finally rejected.

Authorization to charge the official fees for this filing is given in the accompanying transmittal letter. A duplicate copy of this Notice is attached.

Respectfully submitted,

David R. Marsh (Reg. Attorney No. 41,408)

Holly Logue Prutz (Reg. Attorney No. 47,755)

Date: February 5, 2004

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